

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PERNORRIS TAYLOR, SR.,

Plaintiff

v.

VETERAN'S HOSPITAL,

Defendant

Civil Action No. S-00-992

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ORDER

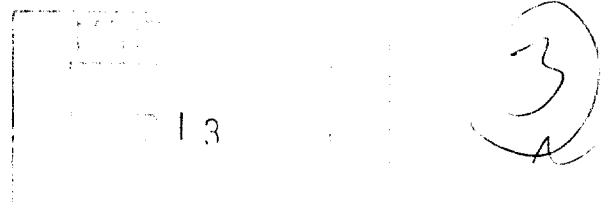
This action was filed on April 6, 2000, by Pernorris Taylor, *pro se*, for violation of his civil rights. The complaint, in its entirety reads: "I'm filed [sic] a complaint against the Veteran's Hospital. I was at the emergency room they fail to provide me my medical card to me so I can get medical attention." This is almost identical to complaint filed by Mr. Taylor on April 3, 2000. That case, Civil Action No. S-00-942 was construed as an attempt to appeal a decision to deny benefits and was dismissed without prejudice because this Court does not have jurisdiction over such claims. Mr. Taylor has noted an appeal of that decision.

A plaintiff cannot refile an action previously dismissed simply because he disagrees with the dismissal. *See Montana v. United States*, 440 U. S. 145, 153 (1979) (citation omitted). If Mr. Taylor disagrees with this Court's decision to dismiss Civil Action No. S-00-942, the appropriate course of action is to note an appeal in that case. He has done so. He must now await the outcome of his appeal.

Accordingly, it is, this 13th day of April, 2000, hereby

ORDERED that:

1. The instant Complaint is **Dismissed**;




2. Plaintiff is warned that if he continues to refile complaints which have been dismissed by this Court monetary or non-monetary sanctions may be imposed under Rule 11 of the Federal Rules of Civil Procedure;

3. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* is **Denied as moot**;

4. The Clerk is directed to mail a copy of this Order to Plaintiff; and

5. The Clerk is directed to close this file.



Frederic N. Smalkin
United States District Judge